

REMARKS/ARGUMENTS

This paper is submitted in response to the office action mailed August 11, 2004. In the office action, claims 1-3, 5-28, 31-35, and 38-46 were rejected under 35 U.S.C. §102(b) as being anticipated by Rose (United States Patent No. 6,588,793). Claims 4, 29, 30, 36, and 37 were found to contain allowable subject matter.

By this paper claims 1, 15, and 38 have been amended. Claims 3-4, 16, and 46 have been cancelled. Accordingly, claims 1-2, 5-15, and 17-45 are presented for reconsideration by the Examiner.

Rejections Under 35 U.S.C. §102(b)

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” M.P.E.P. § 2131 (Aug. 2001) (*quoting Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). “The identical invention must be shown in as complete detail as is contained in the . . . claim.” *Id. (quoting Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, “the reference must be enabling and describe the applicant’s claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention.” *In re Paulsen*, 30 F.3d 1475, 1479, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

The Examiner indicated that claim 4 included allowable subject matter which distinguished over the cited prior art. Claim 1 has now been amended to include the subject matter of claim 4, together with the subject matter of claim 3 in order to provide adequate antecedent basis. Accordingly, it is submitted that claim 1 and dependent claims 2 and 5-14 are now in condition for allowance.

Claim 15 has now been amended to provide that the “first mounting bracket is an inseparable, integral part of the overhead airbag module housing.” This language was originally presented in claim 16. This limitation is not taught or suggested in the Rose reference. Indeed,

Rose says very little about the sun visor feature, other than that it exists. The most detailed disclosure of that feature seems to be Figure 2, where the sun visor and sun visor attachment mechanism are shown generally. In the specification of Rose the sun visor is only mentioned generally. *See*, Col. 6, lines 35-40 and lines 46-51; Col. 8, lines 24-27. There is no disclosure of the specific method whereby a sun visor could be attached. In particular, there is no disclosure of the attachment features now included in amended claim 15.

Claim 21-37 include the feature of a resilient substrate for receiving the sun visor. The substrate is specifically claimed as being positioned *between the headliner and the overhead airbag module*. Thus, the substrate is a separate and distinct element from the airbag module itself.

The Examiner has cited element 72 of Rose as being a “substrate.” However, element 72 of Rose is in fact the lower housing of the airbag module of Rose. *See*, Col. 10, lines 12-13 and Figure 5 of Rose. Accordingly, it is apparent that Rose does not disclose a substrate positioned between the headline and the overhead airbag module. Rose only discloses the airbag module itself and the headliner. Accordingly, Rose does not anticipate claims in claims 21-37.

Claim 38 has been amended to include the limitations of claim 46, namely that the overhead airbag module comprises load spreading means. Once again, there is absolutely no disclosure or suggestion in Rose of such a load spreading means. Accordingly, Rose does not anticipate claim 46.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Appl. No. 10/645,391
Amdt. dated November 11, 2004
Reply to Office Action of August 11, 2004

Respectfully submitted,



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Date: 11/11/04

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